

**CITY OF YUMA
CITY COUNCIL MINUTES**

**REGULAR MEETING
TUESDAY, NOVEMBER 6, 2018**

CALL TO ORDER – 7:30 P.M.

MEETING CALLED TO ORDER BY MAYOR HARPER AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

MEMBERS PRESENT: Baucke, Goeglein, Harper, Hoch, McCall, Swehla. Saffer late.

STAFF PRESENT: Scott Moore, Jonathon Lynch, Karma Wells, Kathryn Sellars.

CORRECTIONS OR ADDITIONS TO THE AGENDA

Clerk/Treasurer Wells stated we would like to change the second Executive Session item to the first Executive Session item. Also, Council Member Saffer will be a little bit late tonight.

APPROVAL OF AGENDA

Baucke moved to approve the November 6, 2018, Agenda as amended. Second by McCall. Question. 6 ayes. Motion carried.

APPROVAL OF MINUTES

Swehla moved to approve the October 16, 2018, Minutes as presented. Second by McCall. Question. 4 ayes. 2 abstain (Goeglein and McCall). Motion carried.

CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT

None.

PROSPECTIVE MUNICIPAL JUDGE PRESENTATION

Manager Moore introduced Ms. Amy Schmidt. Ms. Schmidt was the only person to turn in an RFP for the Municipal Judge position. Ms. Schmidt stated she felt applying for the Judge position is the next step for her progression as an Attorney. Ms. Schmidt would like to be able to impact her corner of the world with this position.

ACTION ITEMS

- A. PUBLIC HEARING ON SPECIAL EVENT PERMIT FOR THE WEST YUMA COUNTY CHAMBER OF COMMERCE – LOCAL LICENSING AUTHORITY, KARMA WELLS.** Clerk/Treasurer Wells stated the Chamber of Commerce turned in the paperwork for a Special Event Permit for the Grand Opening for the Orphanage, for November 10 from 5 to 8 P.M. Public hearing was opened. No comments were made. Public hearing was closed. Hoch moved to approve the Special Events Permit for the West Yuma County Chamber of Commerce. Second by Baucke. Question. 6 ayes. Motion carried.
- B. RESOLUTION #29, SERIES OF 2018 (EMS SERVICE MUTUAL AID AGREEMENT) – SCOTT MOORE.** Manager Moore referred this item to Ambulance Director Gary Baucke. Ambulance Director Baucke stated this agreement spells out the responsibility and roles at events in other counties. There was an agreement before, but it is outdated. Swehla moved to approve Resolution #29, Series of 2018. Second by Goeglein. Question. 6 ayes. 1 abstain (Saffer). Motion carried.

- C. LIQUOR LICENSE RENEWAL FOR J & L LIQUOR DBA LOG CABIN LIQUORS – LOCAL LICENSING AUTHORITY, KARMA WELLS.** Clerk/Treasurer Wells stated J & L Liquor has turned in the paperwork to renew their liquor license. Baucke moved to approve the liquor license renewal for J & L Liquor DBA Log Cabin Liquors. Second by Hoch. Question. 7 ayes. Motion carried.
- D. APPROVAL OF BILLS – KARMA WELLS.** Hoch moved to approve the bills. Second by Swehla. Question. 7 ayes. Motion carried.
- E. PURCHASES IN EXCESS OF \$5,000 – SCOTT MOORE.** There were no purchases in excess of \$5,000.

DISCUSSION ITEMS

- **DISCUSSION OF RETAIL AND MEDICAL MARIJUANA REGULATIONS – SCOTT MOORE.**

Manager Moore stated in the past year or so there has been some research done regarding marijuana. Council should consider this as a potential source of income. Manager Moore is looking to get Council's feel on what they would like to do with the sale of marijuana in town.

The sales tax money that is made from the sale of marijuana is not earmarked for anything specific, Council may decide this at each budget year. A rough estimate of revenue is \$400,000 to \$600,000 per year.

Mayor Harper stated marijuana is still illegal federally and you can't do banking business. The usage is up in several age groups. Mayor Harper stated he will not endorse recreational marijuana, it is a wrong source of money.

Council Member Saffer stated he is in favor of it. It has become legal statewide. Usage is up in Colorado whether we approve it or not. Council Member Saffer stated marijuana is already in town, but any marijuana does not benefit the City one bit. The City might as well get something out of it.

Council Member Goeglein agreed with Council Member Saffer and stated he thought it would better if it were regulated and controlled instead of the under the table stuff. Alcohol is probably an equal, or more dangerous, drug than marijuana. Council Member Goeglein stated he can see both sides and appreciates Mayor Harper's passion.

Council Member Baucke stated he attended a class through the Coronor's Office and was impressed by how it is tracked. The packets of marijuana can be tracked back to where it is grown.

Mayor Harper stated he spoke with the Ag Commissioner Don Brown, where Ag Commission Brown stated there were some things that weren't really considered when it became legal in 2012. Some of the grow houses use insecticides and pesticides that aren't labeled, it is a more critical issue than marijuana, and no one wants to deal with it. It is such a new young industry that the ramifications of the whole thing have not been realized yet. Being a cash business it creates security issues.

Chief Lynch stated he is not for it personally, but he understands both sides. Chief Lynch does not want to expose his kids to it.

Mayor Pro Tem Swehla agrees with Council Members Saffer and Goeglein. It is here and it's being sold, grown, and used here and is not regulated. We might as well have it legal so we can control it more. Mayor Pro Tem Swehla stated he is leaning towards it.

Council Member Hoch stated he is 50-50 right now. A year ago he was against it, because he equated a dispensary to sub-standard living conditions in an area. Council Member Hoch has been doing some research and even interviewed some people and 100% said it was a great thing for the City. A guy who has a store in Denver would like to come to Yuma and open a shop, he thinks it would be pretty profitable, and if it is profitable for him it

would be profitable for us. If we wait, it may be too late because other towns around us might start doing it. Council Member Hoch stated he would like 10% used for treatment if needed.

Council Member McCall stated Colorado voters spoke and she would like to see us be able to regulate the industry and the way to do that is through a legal process here. Council Member McCall has spoken with several people who use medical marijuana and they drive to Log Lane. One woman said it got her off of opioids, which is also a huge problem out here. Council Member McCall also stated she saw a report from CDPHE which showed the teenage use is one of the lowest in the nation. Dispensaries check your ID before you can get to the back rooms to make purchases.

Council Member Goeglein said he was told that 20% of the income at the dispensary in Log Lane is from Yuma County.

Manager Moore asked what the next step Council would like from staff. Attorney Sellars explained there are several options. Council can pass an ordinance earmarking money if they would like to.

Mayor Harper stated he wasn't going to be a part of this, resigned and left the meeting.

Mayor Pro Tem Swehla took over the meeting.

Council's consensus was to continue the meeting. Attorney Sellars will put together some choices for Council regarding this item.

ADDITIONAL BUSINESS

None.

REPORTS

CITY MANAGER, SCOTT MOORE

None.

CITY CLERK/TREASURER, KARMA WELLS

None.

CHIEF OF POLICE, JONATHON LYNCH

Chief Lynch stated they sold 4 vehicles from the impound lot.

K-9 Officer Thompson and K-9 Archie have one more week of training.

CITY COUNCIL REPORTS

Baucke

- Council Member Baucke stated is concerned about the picnic tables still up at Red Willow and would like to see the tables be taken down for now. Manager Moore will check with Mr. Trent Bushner about the tables.

EXECUTIVE SESSION

“To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the Municipal Judge position.”

“To consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), specifically the sale of water.”

“To consider personnel matters, pursuant to C.R.S. § 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session, specifically for the City Manager.”

Attorney Sellars stated Council intends to meet in executive session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning the Municipal Judge position, to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), specifically the sale of water, and to consider personnel matters, pursuant to C.R.S. § 24-6-402 (4)(f) and not involving: any specific employees who have requested discussion of the matter in open session, specifically for the City Manager. McCall moved to go into executive session. Second by Saffer. Question. 6 ayes. Motion carried.

Council resumed regular session at 8:49 P.M. Attorney Sellars made a statement for who was present in executive session and there were no objections to the discussions in executive session.

ADJOURNMENT

Hoch moved to adjourn. Second by Goeglein. Question. 6 ayes. Motion carried.

Ron Swehla
Mayor Pro Tem

Karma Wells, CMC
City Clerk/Treasurer